

# COUNCIL COMING ATTRACTIONS



## Week of Oct. 26, 2020

*COVID-19 Public Health Update, Coronavirus Relief Fund, Educational Equity and Enrichment Hubs, Arts COVID-19 Relief Fund, WSSC Spending Control Limits, Inspector General Report, Subdivision Staging Policy, Accessory Mulching and Composting, WMATA Payment in Lieu of Taxes*

Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at:  
<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>

**The Council will hold virtual meetings on Tuesday, Oct. 27 at 9:30 a.m.**

## COUNCIL

### **Supplemental Appropriation to Montgomery College's FY21 Current Fund Budget - \$4,497,874 for CARES Act Higher Education Emergency Relief Fund**

On Oct. 27 at 9:30 a.m. the Council will introduce a supplemental appropriation of nearly \$4.5 million for the Higher Education Emergency Relief Fund Formula Grant. The source of funds is the Coronavirus Aid, Relief, and Economic Security (CARES) Act-Coronavirus Relief Fund. Montgomery College was awarded \$10,995,749 in CARES Act funds for direct relief to students and institutional purposes related to COVID-19 impacts, and \$5,497,875 is allocated to provide emergency relief to students. In May, the Council approved a \$1 million appropriation in CARES funding for institutional purposes. The College has requested approval to utilize the remaining \$4,497,874 to support technology access for students, faculty and staff; student assessment, placement and advising; specialized equipment and technology for students needing disability support services; training faculty for structured remote teaching; and development of

online and remote labs and activities. The Council is tentatively scheduled to hold a public hearing and vote on this appropriation on Nov. 10. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_2A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_2A.pdf)

**Special Appropriation to the Fiscal Year 2021 Operating Budget, Montgomery County Government, Children's Opportunity Fund Non-Departmental Account (NDA) - \$1,800,000 for COVID-19 Educational Enrichment and Equity Hubs (Source of Funds: Federal Grant Funds and General Fund Reserves); and Amendment to FY21 Operating Budget Resolution 19-472 Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Greater Washington Community Foundation**

The Council will introduce a \$1.8 million special appropriation for the Children's Opportunity Fund and the Black and Brown Coalition for Educational Equity and Excellence to expand the number of Educational Equity and Enrichment (EEE) Hub sites. This funding will serve 500 children throughout the County during a 12-week period. Councilmember Craig Rice, who serves as chair of the Council's Education and Culture Committee, initiated this funding, which is being sponsored by the full Council. The goal of the program is to provide supervision and virtual learning supports to mitigate the negative impact that distance learning challenges have on Black and brown students and those from low-income families. The Council is tentatively scheduled to hold a public hearing and vote on this appropriation on Nov. 10.

The Children's Opportunity Fund leverages public funds to attract private investment and makes strategic investments to improve the lives of children from low-income families in Montgomery County. The Fund has partnered with the Black and Brown Coalition for Educational Equity and Excellence, which advocates for equity for underserved Black and brown students and students from low-income families in Montgomery County, and child care providers who are licensed by the state of Maryland to deliver services in public school space to implement EEE Hubs. Currently, there are EEE Hubs in nine County elementary schools that provide care and supervision for school age children during the school day while MCPS is meeting virtually. School-based child care providers and MCPS staff collaborate to identify and target students that need this support.

The creation of the Children's Opportunity Fund was spearheaded by Councilmember Nancy Navarro with the support of the full Council and Montgomery County Public Schools. It was established in partnership with the Greater Washington Community Foundation in May 2016 to provide funding to support policy priorities that address the social determinants that impact the achievement gap for vulnerable children and the barriers faced by their families.

The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_2B.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_2B.pdf)

**Special Appropriation to the County Government's FY21 Operating Budget, Office of the County Executive - \$5,050,000 for Support for COVID-19 Response - Tourism Stabilization Grant Program, and Amendment to FY21 Operating Budget Resolution 19-472, Section G, Designation of Entities for Non-Competitive Contract Award Status - Conference and Visitors Bureau**

The Council will introduce a \$5,050,000 special appropriation to create the Tourism Stabilization Grant Program. This grant program will be administered by the Office of the County Executive and provide grants to eligible non-profit organizations in the tourism industry and fund an accreditation program through Visit Montgomery. The Council is tentatively scheduled to hold a public hearing and vote on this appropriation on Nov. 10. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_2C.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_2C.pdf)

### **Special Appropriation to the County Government's FY21 Operating Budget, Arts and Humanities Council of Montgomery County (AHC MC) Non-Departmental Account (NDA) - \$334,500 for Arts COVID-19 Relief Fund**

The Council will introduce a \$334,500 special appropriation to provide additional emergency grant funding to the Arts and Humanities COVID-19 Relief Fund so that all eligible organizations and individuals will receive equitable grant funding levels. The County will seek reimbursement from the federal and state government for any eligible costs. The Council is tentatively scheduled to hold a public hearing and vote on this appropriation on Nov. 10. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_2D.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_2D.pdf)

### **Resolution to Endorse a Maryland Economic Development Assistance Authority and Fund Loan to Assist Supernus Pharmaceutical, Inc.'s Retention in Montgomery County (\$800,000)**

The County must endorse a Maryland Economic Development Assistance Authority and Fund (MEDAAF) loan in a formal resolution, as required by Maryland law. The subject MEDAAF loan is part of a negotiated financial assistance package to retain and expand Supernus Pharmaceutical Inc., which is a specialty pharmaceutical company focused on developing and commercializing products for the treatment of central nervous system diseases. The company will relocate from its current location on Gude Drive in Rockville to a 136,000 square foot space on Key West Avenue. The new location will include headquarters operations, laboratories, manufacturing space and conference and training facilities. This expansion project will incur more than \$18 million in capital expenditures, create 146 new jobs over the next five years, with an average expected salary of \$113,100, and retain 156 jobs. The State of Maryland is providing an \$800,000 MEDAAF loan and the County is providing a \$500,000 conditional grant through the Economic Development Fund. The Council is tentatively scheduled to vote on this resolution on Nov. 10. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_2E.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_2E.pdf)

### **FY22 Spending Control Limits for WSSC**

The Council is scheduled to vote on Fiscal Year 2022 (FY22) Spending Control Limits for the Washington Suburban Sanitary Commission (WSSC). Each fall, the Montgomery and Prince George's County Councils consider spending control limits for WSSC, with the aim of approving these limits by Nov. 1 of each year. These limits establish a water and sewer volumetric rate ceiling as well as limits regarding new debt, debt service, and water and sewer operating expenses for use by WSSC in the development of its upcoming proposed budget. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_2-5.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_2-5.pdf)

### **Novel Coronavirus (COVID-19) and County Public Health Planning**

The Council will sit as the Board of Health to receive an update on the County's ongoing response to the COVID-19 pandemic and its recovery efforts. The Council will be joined by Dr. Travis Gayles, County health officer and chief of the Department of Health and Human Services' (DHHS) Public Health Services; Dr. Earl Stoddard, director, Office of Emergency management and Homeland Security; and Dr. Raymond Crowel, director, DHHS. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020\\_6A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_6A.pdf)

### **Coronavirus Relief Fund**

As the result of the Council's Oct. 13 meeting, requested by Councilmember Nancy Navarro and supported by the full Council, about the Coronavirus Relief Fund, the Council receives a weekly status report on appropriations and expenditures from the fund by executive branch staff. Since all funds must be used by Dec. 31, 2020, it is important to track the County's use of the funds and whether any reallocations or additional appropriations are necessary. Rich Madaleno, chief administrative officer, and Dr. Earl Stoddard, director, Office of Emergency Management and Homeland Security, will brief the Council. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020\\_6B.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_6B.pdf)

**Inspector General Report: Memorandum of Investigation #21-003, County SharePoint Platform Exposes Sensitive Information of Vulnerable Populations**

The Council requested a briefing with Inspector General Limarzi and Executive staff to conduct a full and transparent review of the findings and recommendations in the Memorandum of Investigation #21-003, County SharePoint Platform Exposes Sensitive Information of Vulnerable Populations, to ensure that additional data safeguards have been implemented across County government operations. On Sept. 24, Inspector General Limarzi sent a Memorandum of Investigation to then-Acting Chief Administrative Officer Richard Madaleno to advise him of the discovery of sensitive and personally identifiable information found on information sharing platforms used by the County. She noted that the Office of the Inspector General has raised concerns about data security issues several times in the last few years.

This report is an example of why the Council has taken a proactive approach to empower the Office of the Inspector General with the resources needed that reflect the size of the County's budget and are in line with best practices to ensure that investigative work is being conducted continuously.

The full report can be found here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_4.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_4.pdf)

**2020-2024 Subdivision Staging Policy**

The Council will continue its review of the County's 2020-2024 Subdivision Staging Policy, which is one of the many ways that policymakers maintain and enhance Montgomery County's outstanding quality of life. The Subdivision Staging Policy is based on having sufficient infrastructure to support new development. It includes criteria and guidance for the administration of Montgomery County's Adequate Public Facility Ordinance (APFO), which matches the timing of private development with the availability of public infrastructure. Every four years, recommendations for policy updates reflecting current growth patterns start with the Montgomery Planning Department, before being reviewed and approved by the Montgomery County Planning Board and the Council. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_5.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_5.pdf)

**Bill 37-20, Subdivision – Preliminary Plan – Adequate Public Facilities – Amendments**

The Council will continue its review of Bill 37-20, which would require an applicant requesting an extension of an adequate public facilities determination to provide a new determination of school adequacy for any remaining unbuilt units under the school test in effect at the time of the Planning Board's review. Council President Sidney Katz is the lead sponsor, at the request of the Planning Board. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_5.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_5.pdf)

#ValidityPeriod is being used for this bill on social media.

**Bill 38-20, Taxation – Development Impact Taxes for Transportation and Public School Improvements – Amendments**

The Council will continue its review of Bill 38-20, which would amend transportation and school impact tax district designations and the impact tax rates that apply in these districts. Bill 38-20 also would modify the applicability of development impact tax exemptions for certain uses and in certain locations, and generally amend the law governing transportation and school development impact taxes. Council President Sidney Katz is the lead sponsor, at the request of the Planning Board. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_5.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_5.pdf)

#ImpactTax is being used for this bill on social media

#### **Expedited Bill 39-20, Taxation - Recordation Tax – Amendments**

The Council will continue its review of Expedited Bill 39-20, which would increase the rate of the recordation tax levied under state law for certain transactions involving the transfer of property and would establish a partial exemption from the recordation tax for a first-time home buyer. Moreover, Bill 39-20 would amend the allocation of revenue received from the recordation tax to capital improvements for schools and to the Montgomery Housing Initiative Fund. Council President Sidney Katz is the lead sponsor, at the request of the Planning Board. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_5.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_5.pdf)

#RecordationTax is being used for this bill on social media

#### **Zoning Text Amendment 20-04, Farming Defined - Accessory Mulching and Composting**

The Council will introduce Zoning Text Amendment (ZTA) 20-04, which would allow an increase in the percentage of off-site material that can be used in accessory composting and mulching uses from 20 to 50 percent. Currently, mulching and composting are allowed as accessory uses to farming, if material trucked from off-site locations is limited to 20 percent. The County generates a tremendous amount of yard and food waste. Recycling that material is preferable to generating waste. The goal of this zoning change is to allow the agricultural industry to use more yard and food waste. Councilmember Evan Glass is the lead sponsor of ZTA 20-04. Councilmembers Andrew Friedson, Hans Riemer and Gabe Albornoz are cosponsors. A public hearing is scheduled for Dec. 1. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_6A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_6A.pdf)

#### **Bill 29-20, Taxation – Payments in Lieu of Taxes – WMATA property - Established**

On Oct. 5 the Council enacted Bill 29-20 by a vote of 7-2 to generate additional high-rise housing at Metro stations. County Executive Elrich vetoed the bill. The Council will reconsider the bill and may vote to override the Executive's veto. Bill 29-20, called the "More Housing at Metrorail Stations Act," requires the director of the Department of Finance to offer a payment in lieu of taxes for a residential or commercial high-rise building constructed by a private developer on property leased from the Washington Metropolitan Area Transit Authority (WMATA) at a Metro station. The bill would require the payment in lieu of taxes that would exempt 100 percent of the real property tax that would otherwise be levied for a period of 15 years beginning in the year a use and occupancy permit is issued for the qualifying development. Councilmembers Hans Riemer and Andrew Friedson are the lead sponsors. Councilmembers Evan Glass, Nancy Navarro, Council President Sidney Katz, Councilmember Gabe Albornoz, Council Vice President Tom Hucker and Councilmember Craig Rice are cosponsors. The goal of this legislation is to make a significant positive impact on the viability of building new housing on Metro station property. Presently, there are no high-rise developments underway on any Metro station property in Montgomery County. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027\\_7A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_7A.pdf)

### **COMMITTEE**

#### **Funding Options for the MCPS Board of Education FY21 Supplemental Appropriations and Amendment Requests for the FY21-26 CIP: South Lake Elementary School- Major Capital Projects Elementary and Heating, Ventilation, and Air-Conditioning (HVAC) (Mechanical Systems) Replacement**

On Oct. 26 at 9 p.m. the Education and Culture (E&C) Committee will meet to receive an update on funding options for the Montgomery County Board of Education's Fiscal Year 2021 (FY21) request for two supplemental appropriations and amendment to the FY21-26 Capital Improvements Program for Montgomery County Public Schools (MCPS). These requests included appropriations to accelerate



construction of South Lake Elementary School into FY21 and move the completion date from Sept. 2024 to Sept. 2023, and to provide additional funding in FY21 to address air quality concerns related to the COVID-19 pandemic. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20201026/20201026\\_EC1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20201026/20201026_EC1.pdf)

### **I-270/I-495 Managed Lanes Study Draft Environmental Impact Statement**

On Oct. 26 at 2:30 p.m. the Transportation and Environment (T&E) Committee will review the I-270/I-495 Managed Lanes Study Draft Environmental Impact Statement (DEIS). The Committee will review deficiencies identified in the DEIS by Maryland-National Capital Park and Planning Commission (M-NCPPC) staff and will discuss key elements of developing a joint Council and County Executive supported preferred alternative to present to the Maryland Department of Transportation (MDOT) and State Highway Administration (SHA). The DEIS includes traffic, environmental, engineering and financial analyses of the Build Alternatives and the No Build Alternative. The DEIS process provides an opportunity for residents, interest groups and other agencies to review and provide comments on the proposed federal action and the adverse and beneficial environmental impacts and proposed mitigation for unavoidable impacts. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20201026/20201026\\_TE1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20201026/20201026_TE1.pdf)

### **Bill 13-20, County Property - Disposition - Affordable Housing**

On Oct. 28 at 9:30 a.m. the Government Operations and Fiscal Policy (GO) Committee will review Bill 13-20, which would require that a property disposition to be used primarily for housing development to include a certain number of moderately priced dwelling units (MPDUs). Councilmember Will Jawando is the lead sponsor. Bill 13-20 would require dispositions that will be used primarily for housing development to include 30 percent income-restricted units. It also would exempt any disposition that will be used primarily for housing development from the declaration of no further need process, if 15 percent of the units are MPDUs and 15 percent are for residents with an income of less than 50 percent of the area median income. The goal of this legislation is to increase the availability of affordable housing in the County. The Council staff report will be available on Oct. 26.

#PublicLandforAffordableHousing is being used for this bill on social media.

### **Workforce Development Efforts**

On Oct. 28 at 1:30 p.m. the Planning, Housing and Economic Development and E&C Committees will meet jointly to receive an update on the County's workforce development efforts. The individuals expected to attend the meeting include the following: Jerome Fletcher, assistant chief administrative officer, Office of the County Executive; and Leonard Howie, interim CEO, WorkSource Montgomery. The E&C and PHED Committee chairs requested this meeting to discuss the next steps for the County's workforce development system with Executive staff. WorkSource Montgomery's mission is to meet the talent attraction, development and retention needs of strategic industries in Montgomery County, to meet the needs of underemployed and unemployed residents and to develop career pathways that lead to sustainable wage job. The Council staff report will be available on Oct. 26.

### **Traffic Enforcement**

On Oct. 29 at 9:30 a.m. the Public Safety (PS) Committee will receive an update on Countywide traffic enforcement. This briefing was requested by Councilmember Nancy Navarro after receiving repeated resident complaints about drag racing, speeding and excessive traffic noise. The briefing will cover how the Montgomery County Police Department conducts traffic enforcement, including the automated traffic enforcement program, Vision Zero initiatives, staffing and pretextual stops. Those expected to attend include Assistant Chief Tom Didone, Captain Dave McBain (traffic division) and Richard Hetherington (automated traffic enforcement). The Council staff report will be available on Oct. 27.

**Emergency Shelter Needs for Homeless Adults**

On Oct. 29 at 9:30 a.m. the Health and Human Services and PHED Committees will meet jointly to discuss planning for meeting the County's emergency shelter needs for homeless adults. The Council staff report will be available on Oct. 27.